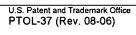
ED)

	Application No.	Applicant(s)	
Nedia a of Allamakilida	10/626,673	TOYOSHIMA ET AL.	
Notice of Allowability	Examiner	Art Unit	
	Ginger T. Chapman	3761	
The MAILING DATE of this communication appears on the cover sheet with the correspondence address All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.			
1. This communication is responsive to			
2. The allowed claim(s) is/are <u>1-6</u> .			
3. Acknowledgment is made of a claim for foreign priority of a) All b) □ Some* c) □ None of the: 1. □ Certified copies of the priority documents have 2. □ Certified copies of the priority documents have 3. □ Copies of the certified copies of the priority documents have a linternational Bureau (PCT Rule 17.2(a)). * Certified copies not received:	re been received. re been received in Application No ocuments have been received in this i	national stage application from the	
noted below. Failure to timely comply will result in ABANDONI THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.	MENT of this application.		
4. A SUBSTITUTE OATH OR DECLARATION must be subminformal patent application (PTO-152) which give			
 5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) hereto or 2) to Paper No./Mail Date (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d). 6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. 			
 Attachment(s) 1. ☑ Notice of References Cited (PTO-892) 2. ☑ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☑ Information Disclosure Statements (PTO/SB/08),	Paper No:/Mail Dat 7. Examiner's Amendn	(PTO-413), e	



Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 4/26/2004; 10/27/2003; 8/17/2005.

Art Unit: 3761

Reasons for Allowance

Claims 1-6 are allowed.

The following is an examiner's statement of reasons for allowance:

Per independent claim 1: While the prior art of record discloses various areas of and ratios between crotch widths, waist widths and fastener side flaps, none disclose or fairly suggest the diaper having fastening tape on the side edges with each side edge containing both a standing gather and a leg gather in combination with a ratio of the minimum width of the crotch section to a whole width of the longitudinal end section is from 0.30 to 0.75 and an area ratio of \$1 to \$2 is from 0.45 to 0.60. These features render the claimed invention non-obvious over the prior art of record. Claims 2-6 are allowable as being dependent from independent claim 1.

The criticality of such dimensions is shown in the Specification in Table 1 on page 15.

While features of diapers and their dimensions are individually disclosed in the prior art, the prior art of record does not meet the conditions as suggested in MPEP § 2132, namely:

"The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis* verbis test, i.e., identity of terminology is not required. In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In particular, the prior art of record does not disclose features pertaining to the specific dimensions and combination of elements required in the context of the claims.

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The closest prior art uncovered during examination discloses the following elements:

EP 1,226,802 A1, Toyoshima et al: teaches a diaper having upstanding leg gathers formed by elastic members, a crotch portion including an absorbent assembly, a rear portion defined by an waist opening portion and an underwaist portion and a pair of fastening tapes such that there are no elastic members disposed in the area from the middle of the absorbent assembly to the vicinity of the side edges and the diaper having a width W of the area having no elastic members is at least half of the width W1 of the absorbent member and not wider that the width W1 and from 1/10 to 4/5 of a whole width W2 of a rear portion.

WO 00/53140, Okuda et al: teaches a diaper having a plurality of upstanding leg gather elastic members forming a leg gather extending along the crotch region in a widthwise direction defined as "T", the upstanding guard width, said width sectioned into a free end region, a central region and a basal end region having intervals t1, t2 and t3 therebetween such that the relationship of the upstanding guard width T and the intervals can be: $t1 + t2 + t3 \le T$ and, $t3 \le T/3$ and, $t1 \le t2$ and t3 < t1 < t2.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ginger T. Chapman whose telephone number is (571) 272-4934.

The examiner can normally be reached on Monday through Friday 9:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tatyana Zalukaeva can be reached on (571) 272-1115. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ginger Chapman

Examiner, Art Unit 3761

06/04/07

TATYANA ZALUKAEVA BURERVISORY PRIMARY EXAMINER